

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40808 of 2021**

Arising Out of PS. Case No.-48 Year-2021 Thana- AMDABAD District- Katihar

TAHIR @ HAZI @ SHEIK TAHIR S/o Sheik Azeem R/o Mohalla- Bairiya,
Nawabi Tola, P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Ajay Kumar Jha APP.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 12-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Amdabad P.S. Case No. 48 of 2021 registered for the alleged offences under Sections 457 and 380 of the Indian Penal Code.

Allegation against the petitioner is that he along with co-accused committed theft in the house of informant in the night and took away a number of jewellery items along with cash of Rs. 70,000/- apart from sale deed of land, Aadhar Card



and photo-copy of PAN Card.

Learned counsel for the petitioner submits that the petitioner has been named in this case on the basis of suspicion and the FIR shows the informant has named the petitioner and co-accused stating that they were looking at the house when informant had been leaving his house to attend marriage ceremony with his family. The FIR has been sent to the concerned magistrate after delay of two days. Learned counsel further submits that offence under Section 457 of the Indian Penal Code is not made out. The petitioner is in custody since 24.02.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that in paragraph 23 of the case diary, it has clearly been mentioned that a number of theft articles have been recovered from this petitioner.

Perused the records.

Having regard to the rival submissions and considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No.



48 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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